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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,443	09/04/2003	Ronald Paul Dean	10017981-2	6453

7590 09/29/2004  
HEWLETT-PACKARD COMPANY  
Intelctual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/655,443

Applicant(s)

DEAN ET AL.

Examiner

Alfred Joseph Wujciak III

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first Office Action for the serial number 10/655,443, SYSTEM AND MEANS FOR THE SECURE MOUNTING OF A DEVICE BRACKET, filed on 9/4/03.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 12/12/03 was filed after the mailing date of the filing date on 9/4/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

The disclosure is objected to because of the following informalities: on page 1, section [0001], "Attorney Docket No. 10017981-1" should be changed to ---US Patent # 6,616,106---; on page 1, section [0002] and page 5, section [0021], "U.S. Patent Application Attorney Docket No. 10017961-1" should be changed to ---US Patent # 6,666,414---.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 7 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said computer assembly" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15, line 5, "a plurality of tabs" is indefinite because the drawings or specification did not explain how the plurality of horizontally-configured pegs are corresponding to the plurality of tabs. "A plurality of tabs" should be changed to ---said plurality of slotted bracket--- for clarification.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-11 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,616,016. Although the conflicting claims are not identical, they are not patentably distinct from each other because US Patent # 6,616,016 teaches a bracket system comprising a plurality of chassis with slots; the chassis brackets (203) are attached to a chassis base (201); a mounting bracket assembly (100) with a plurality of tapered mounting bracket assembly slots (101) and a plurality of horizontally-protruding pegs (102); and a plurality of tabs (202) on the chassis base; the mounting bracket includes a handle (103) engageable with rotation pegs (205) on the chassis bracket; engagement of the chassis bracket slots and the mounting bracket pegs provide a positive stop for the mounting bracket assembly; engagement of the tabs and the mounting bracket assembly slots provide a positive stop for the mounting bracket assembly; the chassis bracket are positioned laterally to the mounting bracket assembly so that the mounting bracket pegs frictionally engage the chassis bracket slots when a mounting bracket handle frictionally engage the chassis bracket slots when mounting bracket handle frictionally engages rotation pegs on the chassis bracket; the mounting bracket assembly slots frictionally engage the tabs; the mounting bracket pegs are offset; at least one of the chassis brackets supports two devices; the mounting bracket assembly will frictionally engage the chassis bracket without a device present; the mounting bracket assembly can be moved when the mounting bracket handle is not engaged with the chassis

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bracket rotation pegs, the mounting bracket assembly movement allowing the mounting bracket to be aligned.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,779,197 to Kim.

Kim teaches a bracket system (figure 5) comprising a plurality of chassis brackets (210, both sides) with slots (210A) and the chassis bracket is attached to a chassis base (located bottom of element 210). The system includes a mounting bracket assembly (220) with a plurality of tapered mounting bracket assembly slots (222) and a plurality of horizontally-protruding pegs (236). The chassis base having a plurality of tabs thereon. Wherein engagement of the chassis bracket slots and the mounting bracket pegs provide a positive stop for mounting bracket assembly. The mounting bracket pegs are offset.

Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,564,804 to Gonzalez et al.

Gonzalez et al. teaches the bracket system comprising means for vertical alignment (218) of the subassembly (108) providing means for positive stop (projection part of element 218).

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The system includes means for horizontal alignment (204) of the subassembly having means for positive stop (210). The system includes means for securing (402) the subassembly to the chassis. The securing means further comprises a means for locking (216) the subassembly to the chassis. The securing means also providing means for positive stop (the vertical part of element 402 that prevents the 108 from sliding any further past than element 402) for subassembly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of US Patent # 5,564,804 to Gonzalez et al.

Kim teaches the tabs and the mounting bracket assembly slots but fails to teach the engagement of tabs and the mounting bracket assembly slots provide a positive stop. Gonzalez et al. teaches the mounting bracket assembly having slot (216) and tab (402) providing a positive stop. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added slot on bottom surface of mounting bracket and modified Kim's tab to upwardly as taught by Gonzalez et al. to provide additional security for the mounting bracket assembly and the chassis base.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of US Patent # 6,402,288 to Rhodes et al.

Kim teaches the chassis brackets are attached to an assembly (vehicle dashboard) but fails to teach the brackets are attached to the assembly with rivets. Rhode et al. teaches the rivets (86) for attaching bracket (109) to the assembly (85). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used rivet in Kim's chassis brackets as taught by Rhode et al. to provide alternative method for attaching the brackets in the assembly by using rivets.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of US Patent # 5,828,547 to Francovich et al.

Kim teaches the chassis brackets but fails to teach the chassis brackets supports two devices. Francovich et al. teaches the chassis bracket (figure 10) supporting two devices (figure 11, 92 and 93). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kim's chassis brackets to support two devices as taught by Francovich et al. to provide additional device to be secured in the chassis brackets when being mounted in the dashboard.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 4,623,110 to Kanari



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US Patent # 6,418,011 to Omori

US Patent # 2004/0125556 to Chen et al.

US Patent # 2004/0105299 to Wang et al.

UK Patent # 2,118,782 to Tindall

US Patent # 2004/0095717 to Hsu et al.

Kanari, Omori, Chen et al., Wang et al., Tindall and Hsu et al. teach the mounting bracket for connecting to the chassis to support a device in the assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632  
9/24/04

A. 